

Rm - 239
MM 96-200

FCC ~~MAIL SECTION~~ **FEDERAL COMMUNICATIONS COMMISSION**
Washington, D.C. 20054
August 17, 1993

AUG 18 11-7 AM '93

In Reply Refer To:
8910 - SML
Stop Code 1800B2

Raymond Simpson, Esq. ~~RECEIVED BY~~
Medley-Billingsley Plaza
307 Highway 49 Bypass
P.O. Box 2870
West Helena, AR 72390

In re: KZOT (AM)
Marianna, Arkansas

Dear Sir or Madame:

This letter concerns your pending request for authority to remain silent. Temporary authority is hereby granted for the above-referenced station(s) to remain silent for three months from the date of this letter.

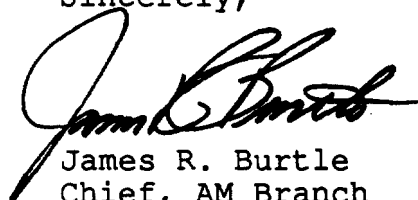
On December 11, 1991, the Commission adopted a Report and Order (copy attached) which amended Part 1 of the Commission's Rules, to implement Section 5301 of the Anti Drug Abuse Act of 1988. Pursuant to the Report and Order, any requests for extension of this authority must be accompanied by a certification that neither the applicant nor any party to the request is subject to a denial of Federal benefits under Section 5301. Please use the attached certification page to comply with this requirement.

Any further requests for extension of this authority must be accompanied by a detailed summary of steps taken to return the station to on-air operations.

It will be necessary to maintain prescribed tower lighting in accordance with the stations license authorization. If an extension is not required, you are requested to notify the Commission, in writing, of the exact date the station resumes on-air operations.

In the event that any AM station remains silent for a period over 6 months, it will be necessary to file with the Commission, prior to returning the station to on-air operations, an FCC Form 302 for direct measurement of power which should include a partial proof of performance for stations with directional antennas.

Sincerely,



James R. Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau

Attachments

8910-SML
KZOT (AM)

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

☐ Yes

☐ No

Name of Applicant	Signature
Date	Title

FM-239
NNN 96-200
FCC MAIL SECTION

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20054

July 26, 1993

JUL 27 10 25 AM '93

DISPATCHED BY

In Reply Refer To:
8910 - SML
Stop Code 1800B2

Raymond Simes, Esq.
Medley-Billingsley Plaza
P.O. Box 2870
West Helena, AR 72390

In re: KZOT (AM)
Marianna, Arkansas

Dear Applicant:

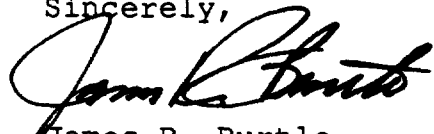
This is in reference to your pending request for Special Temporary Authority (STA) for the above-referenced station to remain silent.

On December 11, 1991, the Commission adopted a Report and Order (see attached copy) to amend Part 1 of the Commission's Rules to implement Section 5301 of the Anti-Drug Abuse Act of 1988. Effective February 3, 1992, applicants requesting STA are required to certify that neither the applicant nor any party to the request is subject to a denial of Federal Benefits under Section 5301.

Action will be deferred on your request pending receipt of your certification (See attached sample certification). Your certification should be directed to:

AM Branch, Room 342
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Sincerely,



James R. Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau

Attachments

8910-SML
KZOT (AM)

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

☐ Yes

☐ No

Name of Applicant	Signature
.	.
.	.
Date	Title
.	.
.	.

(AM)

Schieffler Law Firm

426 Plaza • P.O. Box 2309
West Helena, Arkansas 72390-0309

RECEIVED

MAR 29 1993

MAIL BRANCH

See
elom
MM 96-200

Eugene L. Schieffler
Daniel K. Schieffler
Edward H. Schieffler

Telephone: 501/572-2161

In Reply Refer To
File No.

AM BRANCH

MAR 30 1993

89-088

Audio Services Division

RECEIVED
Mar 29 3 43 PM '93

March 26, 1993


Mr. Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau
Federal Communications Commission
Washington, D.C., 20554

RE: Application for the Assignment of the License of
KZOT (AM), Marianna, AR
File No. BAL-920518EC

Dear Mr. Eads:

Enclosed find the Trustee's Bill of Sale and the Bankruptcy Court Order approving the sale. The assignment of the above radio station was consummated on 3/26/93.

Sincerely,


Daniel K. Schieffler
Trustee in Bankruptcy

DKS/rw

Enclosures

AM BRANCH

MAR 30 1993

TRUSTEE'S BILL OF SALE

RECEIVED

MAR 29 1993

KNOW ALL MEN BY THESE PRESENTS:

MAIL BRANCH

That I, Daniel K. Schieffler Bankruptcy Trustee in the Estate of Rick and Michelle Albin, for and in consideration of the sum of Four Thousand Dollars (\$4,000.00), to me cash in hand paid by Raymond Simes and L.T. Simes, the receipt of which is hereby acknowledged, **DO HEREBY BARGAIN, SELL, CONVEY, ASSIGN, SET OVER, TRANSFER AND DELIVER** unto the said Raymond Simes and L.T. Simes, and unto their executors, administrators and assigns, the following personal property, to-wit:

1 wall clock, 1 steel shelf, 1 table, 1 G.E. can opener, 1 hot plate, 1 typewriter table, 1 bar stool, 2 chairs, 1 small steel table, 1 Hoover commercial vacuum cleaner, 1 eight foot step ladder, 1 swivel lamp, 1 monitor speaker, 1 two room wood frame building, 1 60' x 12' mobile home with Coleman central heat and air, 1 deep well water system, 2 174' steel towers with radials and lights 120 174' H10 copper with feed lines, 2 tuning houses with equipment, 2 sampling loops with feed lines, 1 Jacobson 32" lawn mower, 1 AM transmitter, comp. Gates Mo. BCSOOT, 1 six foot equipment rack, 1 Gates AM 80 modulation monitor, 1 Thompson CSF Las volumax 4300, 1 Potomach Instruments AM 19 antenna monitor, 1 Gates RDC10-C Xmitter Unite (remote control), 1 Bescom equalizer, 1 Gates phasing cabinet, 1 Fedders air conditioner, 1 Whirlpool air conditioner, 1 Arvin heater, 10 6B60A tubes, 12 833-A tubes, 6 beacon bulbs, 1 red beacon filter, 10 IS amp fuses, 1 vacuum cleaner, 1 resistor assortment with cabinet, 1 spare power transformer for transmitter, 1 spare modulation transformer for transmitter, 1 spare swinging choke for transmitter, 5 record racks of various sizes, 2 roller chairs, 1 folding chair, 1 couch, 2 Luxo Mic booms, 1 EV RE20 Mic, 1 seven foot equipment rack, 1 remote amp at Walnut Grove Church with Mic, 1 remote amp at Church of God in Christ with mic, 1 mic Shure SM 82, 1 Gates studioette board, 1 Gates cart with record ELE, 1 Sony TC-620 RTOR recorder with R.C., 1 Sony TC-630 D RTOR recorder, 1 Lafayette turntable, 1 Gray arm with GE URI cart, 1 Viking PB10 amp, 1 World Sound Effects LIB., 1 table, 1 cabinet, 1 record rack, 1 Shure mic, 1 floor stand for mic, 2 Viking cart P.B. machines, 1 Viking cart rec. and P.B. machine, 1 Sparta RA4 remote amp, 2 monitor speakers, 3 chairs, 1 wall clock, 1 RCA X2B field intensity meter, 4 chairs, 1 table, 1 wall clock, 1 speaker, 1 EV 664 mic, 1 floor stand, 1 refrigerator, 1 coke machine, 1 teletype model


13, 1 Tappan microwave oven, 1 toaster oven, (various tubes, assorted junk), 1 matching couch and chair, 3 tables, 1 office desk and chair, 1 table lamp, 1 Realistic wall speaker, 2 black swivel chairs, 1 table, 1 box fan, 1 small plastic chair, 2 desk chairs, 2 four-drawer file cabinets, 1 safe, 1 wall clock, 1 IBM electric typewriter, 1 Unisonic XL 121 adding machine, 1 Realistic wall speaker, various printed forms and office supplies, 1 3-drawer wood chest, 1 electric trupointer pencil sharpener, approximate 150 cartridge tapes, approximately 75 reels of tape, approximately 5000 45 size records, approximately 1300 albums, 1 Sparta model A-20 board, 2 Collins turntables, 2 Gray arms with GE VR2 cart, 2 Gates cart machines (PE), 1 model Roberts tape transport (RTOR) with Viking PB10 amp, 1 cart rack (100 cart cap), 1 Heathkit model 10-11290 weather station, 1 wireless intercom, 1 ten point patch strip, 1 Gates STA level, 1 McMartin AM receiver (air monitor) AMR-1, 1 PI RMP 19 Ant. Mon Extension Panel, 1 Gates RDC10C remote control studio unit, 1 TFT EBS System, 1 tube type Gates compression amp, 1 custom desk with 45 sq. foot top (formica), 1 Cue speaker, 2 Gates T.T. pre amps, 1 monitor speaker (29"x17"x11"), 1 monitor amp, 1 control room clock (Seth Thomas Quartzmatic), the AM radio license for Radio Station KZOT-AM at Marianna, Arkansas. The aforementioned equipment list was obtained from a list prepared by Dixie Lewis in 1983, approximately. Therefore some of the described items may be missing. Buyer has inspected the equipment and is familiar with the tangible personal property being purchased.

TO HAVE AND TO HOLD the same unto the said Raymond Simes and L.T. Simes and their executors, administrators and assigns forever.

WITNESS my hand and seal this 26 day of March, 1993.


DANIEL K. SCHIEFFLER, TRUSTEE

Subscribed and sworn to before me this 26th day of March, 1993.


NOTARY PUBLIC

FILED
U.S. BANKRUPTCY COURT
EAST. & WEST. DIST. OF ARK.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION

APR 10 1992

PEGGY CARROLL, CLERK

IN RE: RICK AND MICHELL ALBIN
DEBTOR

By: _____
CASE NO.: 89-260154
CHAPTER 7

ORDER APPROVING MOTION FOR AND NOTICE OF SALE
OF PROPERTY FREE AND CLEAR OF LIENS

On the 9th day of April, 19 92 came on for Hearing the Trustee's Motion For and Notice of Sale of Property Free and Clear of Liens, and the Trustee having given Notice in the manner and time provided by law to all parties in interest, and no objections or motions to intervene having been filed on or before the cutoff date set out in the motion and based upon the record, the pleadings, the statements of the Trustee and other matters and things before the Court, and good cause appearing therefore, it is

ORDERED that the statements contained in the Motion For and Notice of Sale of Property Free and Clear of Liens are true and correct and the Motion is approved and granted and the Trustee is authorized to sell the property described in said Motion free and clear of all liens and encumbrances in the manner and form stated in the Motion and the Trustee is further authorized to carry out all of the proposed actions and relief sought in the Motion For and Notice of Sale of Property Free and Clear of Liens.

IT IS SO ORDERED this 9th day of April, 1992 at

Little Rock, Arkansas.

James S. Mixon
UNITED STATES BANKRUPTCY JUDGE

7/10/92 by Sen

NLL 96-200

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

01 FEB 1993

IN REPLY REFER TO:

L. T. SIMES II AND RAYMOND SIMES
P.O. BOX 2870
WEST HELENA, AR 72390

8910

Call Letters: KZOT
Date Granted: JAN 28 1993
File Number(s) BAL-920518EC

NOTICE TO ASSIGNEE

Enclosed is FCC Form 732 notifying you of Commission consent to the assignment of the construction permit and/or license of the station(s) therein described. Voluntary assignments are required to be completed within sixty (60) days of the date granted.

In addition to the filing of the below mentioned FCC Form 323, you are required to immediately notify the AM Branch (8910), by letter, as to the exact date of the consummation; that is, the date on which the acts necessary to effect the assignment were completed. If you are unable to consummate the transaction within the prescribed sixty (60) day period, you are required to contact the AM Branch and request an extension of time to effectuate the consummation; if you decide not to consummate the transaction, you must also notify the AM Branch of this decision immediately. In addition, you must inform the AM Branch if the station(s) involved were silent prior to consummation and are resuming broadcasting after the consummation or if the station will continue to remain silent for a period after consummation.

Within thirty (30) days after the consummation of the assignment it will be necessary for you to submit an Ownership Report (FCC Form 323) reporting all changes as required by Section 73.3615 of the Rules. Where applicable, a separate Ownership Report should also be completed and submitted for any holding company (25% or greater ownership interest) of the licensee/permittee. Contractual information required by Section 73.3613 should be reported for the assignee in Item 6, page one of the Ownership Report and copies of each instrument should be submitted with the report. If this is an involuntary assignment that was the result of a death or court action, an Ownership Report must be filed to determine that all requirements of the Rules have been met and reported.

In the event the assignee is the licensee/permittee of another station and has a current Ownership Report on file, you may complete and file only page one of FCC Form 323 to reflect the acquisition of the station(s) listed above. FCC Form 323 is enclosed for your convenience in filing.

It is of the utmost importance that all Commission correspondence comes to the immediate attention of the permittee or licensee. Only one mailing address can be maintained for each station. Unless we hear from you to the contrary, the above address will be used as your permanent mailing address.

If the assignor has any applications pending before the Commission, these applications must be amended to reflect the name of the assignee. Upon consummation of the assignment, amendments to each application must be filed by the assignee, in triplicate, signed by the proper party (see Section 73.3513 of the Rules). Further processing of these applications will be withheld pending receipt of the amendment.

Enclosures
cc: Ownership

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

File No.(s): BAL-920518EC

Class of station(s): AM

<input checked="" type="checkbox"/> CONSENT TO ASSIGNMENT: <input type="checkbox"/> CONSENT TO TRANSFER CONTROL: <input type="checkbox"/> CONSENT TO TRANSFER STOCK: Whereby of Control by is effected.	FROM: DANIEL K. SCHIEFLER, TRUSTEE IN BANKRUPTCY
	TO: L. T. SIMES II AND RAYMOND SIMES
Licensee/Permittee: (for transfer only)	

CALL SIGN(S)

KZOT

STATION LOCATION(S)

MARIANNA, AR

AUXILIARY STATION(S) (for assignments only)

ALL CURRENTLY AUTHORIZED
AUXILIARY SERVICES

This grant is subject to the following conditions:

That the assignment of license covered by BAL-920518EC be consummated within sixty(60) days of the date of the grant, that the Commission be notified of such consummation within one day thereafter and that the station resume broadcasting, and inform the Commission when station returns to air within sixty (60) days after consummation of the grant of this application.

SEE ATTACHED

Under authority of the Communications Act of 1934, as amended, the consent of the Federal Communications Commission is hereby granted to the transaction indicated above.

The Commission's consent to the above is based on the representations made by the applicants that the statements contained in, or made in connection with, the application are true and that the undertakings of the parties upon which this transaction is authorized will be carried out in good faith.

The actual consummation of voluntary transactions shall be completed within 60 days from the date hereof, and notice in letter form thereof shall promptly be furnished the Commission by the buyer showing the date the acts necessary to effect the transaction were completed. Upon furnishing the Commission with such written notice, this transaction will be considered completed for all purposes related to the above described station(s).

FCC Form 323, Ownership Report, must be filed within 30 days after consummation, by the licensee/permittee or assignee.

ADDITIONAL REQUIREMENTS FOR ASSIGNMENTS ONLY:

Upon consummation the assignor must deliver the permit/license, including any modifications thereof to the assignee.

It is hereby directed that, upon consummation, a copy of this consent be posted with the station authorization(s) as required by the Commission's Rules and Regulations.

The assignee is not authorized to construct nor operate said station(s) unless and until notification of consummation in letter form has been forwarded to the Commission.

Dated: JAN 28 1993

(FOR) CHIEF, AM BRANCH, AUDIO SERVICES DIVISION, MASS MEDIA BUREAU

Lee M. Schiefler



FEDERAL
COMMUNICATIONS
COMMISSION

FCC Form 732-AM
August 1991

NAT

BAL-920518EC

KZOT

That ten (10) days prior to commencing the regular programming operation, the assignee shall submit a partial proof of performance made in accordance with Section 73.154 of the Commission's Rules for a directional operation. In the case of a non-directional operation, the impedance should be measured in accordance with Section 73.54(a) and, if necessary, the assignee should follow the instructions set out in Section 73.45(c)(1) of the rules.

100-10-200
239

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20054

January 29, 1993

In Reply Refer To:
8910 - SML
Stop Code 1800B2

Thomas Hendrickson, Esq.
16081 Comprint Circle
Gaithersburg, Maryland 20877

In re: KZOT (AM)
Marianna, Arkansas

Dear Sir or Madame:

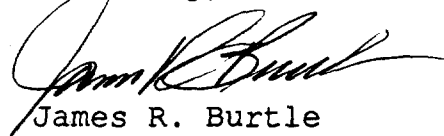
This letter concerns your pending request for authority to remain silent. Temporary authority is hereby granted for the above-referenced station to remain silent for three months from the date of this letter.

On December 11, 1991, the Commission adopted a Report and Order (copy attached) which amended Part 1 of the Commission's Rules, to implement Section 5301 of the Anti Drug Abuse Act of 1988. Pursuant to the Report and Order, any requests for extension of this authority must be accompanied by a certification that neither the applicant nor any party to the request is subject to a denial of Federal benefits under Section 5301. Please use the attached certification page to comply with this requirement.

Any further requests for extension of this authority must be accompanied by a detailed summary of steps taken to return the station to on-air operations. It will be necessary to maintain prescribed tower lighting in accordance with the stations license authorization. If an extension is not required, you are requested to notify the Commission, in writing, of the exact date the station resumes on-air operations.

In the event that any AM station remains silent for a period over 6 months, it will be necessary to file with the Commission, prior to returning the station to on-air operations, an FCC Form 302 for direct measurement of power which should include a partial proof of performance for stations with directional antennas.

Sincerely,



James R. Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau

Attachments

8910-SML
KZOT (AM)

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

☐ Yes

☐ No

Name of Applicant	Signature
.	.
.	.
Date	Title
.	.
.	.

239

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

28 JAN 1993

IN REPLY REFER TO:

Mail Stop 1800-B2
8910-MAG

Mr. Milton T. Hall
P.O. Box 674
Marianna, AR 72360

Thomas Hendrickson, Esq.
Thomas Hendrickson, P.C.
16081 Comprint Circle
Gaithersburg, MD 20877

Mr. Raymond Simes
Mr. L.T. Simes II
P.O. Box 2870
West Helena, AR 72390

In re: Application for the
Assignment of the License
of KZOT(AM), Marianna, AR
File No. BAL-920518EC

Dear Gentlemen:

This letter is in reference to the above-captioned application for the assignment of the license of KZOT(AM), Marianna, Arkansas, from Daniel K. Schieffler, Trustee in Bankruptcy, to L.T. Simes II and Raymond Simes ("Simes'"), File No. BAL-920518EC. On June 16, 1992, an objection to the subject assignment application was filed by Mr. Hall and twenty-nine other residents of Marianna ("the objectors"). The objectors challenge the subject application based on indecency complaints filed against KCLT(FM), licensed to West Helena, Arkansas and owned by the Simes'. The objectors also allege that Mr. L.T. Simes has used KCLT(AM) as a platform from which to pursue his political goals.

The objection does not meet the requirements of a formal petition to deny because the objectors fail to assert or demonstrate that they are parties-in-interest. Furthermore, the objection was not served on the applicant, and the objection is not supported by an affidavit attesting to the matters raised in the objection. See 47 U.S.C. Sec. 309(d)(1). Consequently, we will treat this

pleading as an informal objection pursuant to 47 C.F.R. Sec. 73.3587.

Although the objection was not served on the receiver or the Simes', they were given an opportunity to address the allegations raised. The Simes' thereafter filed a response to the objection. The Simes' contend that they have not violated the Commission's rules regarding indecency and further allege that Mr. Hall, a signatory to the objection, is employed by a station which competes with KCLT(FM). Therefore, the Simes' argue that the objection is motivated by that station's attempt to dictate the format to be broadcast on stations owned by the Simes'. The Simes' also contend that they have never received any complaints concerning KCLT(FM)'s adherence to Commission rules or policies regarding political broadcasting or advertising.

We have reviewed the objection and the Simes' response thereto and have determined that the objectors have failed to raise any substantial and material questions of fact that would otherwise require further inquiry before a disposition of the subject assignment application is made. Specifically, we believe that the pending indecency complaints against the Simes' need not be further considered in connection with the subject assignment application. See Cook Inlet Radio License Partnership, L.P., FCC 92-555 (December 18, 1992). However, our decision herein is without prejudice to whatever further action, if any, the Commission deems appropriate with respect to the pending indecency complaints. Furthermore, although the objectors state that during a recent election, an opponent of Mr. L.T. Simes had difficulty obtaining advertising time on KCLT(FM), the objectors do not allege that the Simes' violated any of the Commission's rules with respect to political advertising or do not submit any support for their allegation that would warrant further inquiry. Under these circumstances, the objectors have failed to raise substantial and material questions of fact or to demonstrate that grant of the application is contrary to the public interest.

Accordingly, upon finding that the applicants are otherwise qualified, IT IS ORDERED that the application for consent to assign the license of KZOT(AM), File No. BAL-920518EC from Daniel K. Schieffler, Trustee in Bankruptcy to L.T. Simes II and Raymond Simes IS HEREBY GRANTED. This action is taken without prejudice to the Commission's future enforcement of 18 U.S.C. Section 1464 and the relevant provisions of the Communications Act of 1934, as amended, relating to the broadcast of indecent programming on station KCLT(FM), West Helena, Arkansas. Furthermore, the subject assignment application is being granted concurrently with the renewal application pending for station KZOT(AM), File No. BR-890606UD, conditioned upon the consummation of the assignment of the license from Daniel K. Schieffler, Trustee, to L.T. Simes II and Raymond Simes within 60 days of the date of this grant.

Sincerely,



for Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau

cc: Daniel K. Schieffler, Trustee

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

NNL 46-200
~~392~~

Case Copy

28 JAN 1993

IN REPLY REFER TO:

Mail Stop 1800-B2
8910-MAG

Mr. Milton T. Hall
P.O. Box 674
Marianna, AR 72360

Thomas Hendrickson, Esq.
Thomas Hendrickson, P.C.
16081 Comprint Circle
Gaithersburg, MD 20877

Mr. Raymond Simes
Mr. L.T. Simes II
P.O. Box 2870
West Helena, AR 72390

In re: Application for the
Assignment of the License
of KZOT(AM), Marianna, AR
File No. BAL-920518EC

Dear Gentlemen:

This letter is in reference to the above-captioned application for the assignment of the license of KZOT(AM), Marianna, Arkansas, from Daniel K. Schieffler, Trustee in Bankruptcy, to L.T. Simes II and Raymond Simes ("Simes'"), File No. BAL-920518EC. On June 16, 1992, an objection to the subject assignment application was filed by Mr. Hall and twenty-nine other residents of Marianna ("the objectors"). The objectors challenge the subject application based on indecency complaints filed against KCLT(FM), licensed to West Helena, Arkansas and owned by the Simes'. The objectors also allege that Mr. L.T. Simes has used KCLT(AM) as a platform from which to pursue his political goals.

The objection does not meet the requirements of a formal petition to deny because the objectors fail to assert or demonstrate that they are parties-in-interest. Furthermore, the objection was not served on the applicant, and the objection is not supported by an affidavit attesting to the matters raised in the objection. See 47 U.S.C. Sec. 309(d)(1). Consequently, we will treat this


pleading as an informal objection pursuant to 47 C.F.R. Sec. 73.3587.

Although the objection was not served on the receiver or the Simes', they were given an opportunity to address the allegations raised. The Simes' thereafter filed a response to the objection. The Simes' contend that they have not violated the Commission's rules regarding indecency and further allege that Mr. Hall, a signatory to the objection, is employed by a station which competes with KCLT(FM). Therefore, the Simes' argue that the objection is motivated by that station's attempt to dictate the format to be broadcast on stations owned by the Simes'. The Simes' also contend that they have never received any complaints concerning KCLT(FM)'s adherence to Commission rules or policies regarding political broadcasting or advertising.

We have reviewed the objection and the Simes' response thereto and have determined that the objectors have failed to raise any substantial and material questions of fact that would otherwise require further inquiry before a disposition of the subject assignment application is made. Specifically, we believe that the pending indecency complaints against the Simes' need not be further considered in connection with the subject assignment application. See Cook Inlet Radio License Partnership, L.P., FCC 92-555 (December 18, 1992). However, our decision herein is without prejudice to whatever further action, if any, the Commission deems appropriate with respect to the pending indecency complaints. Furthermore, although the objectors state that during a recent election, an opponent of Mr. L.T. Simes had difficulty obtaining advertising time on KCLT(FM), the objectors do not allege that the Simes' violated any of the Commission's rules with respect to political advertising or do not submit any support for their allegation that would warrant further inquiry. Under these circumstances, the objectors have failed to raise substantial and material questions of fact or to demonstrate that grant of the application is contrary to the public interest.

Accordingly, upon finding that the applicats are otherwise qualified, IT IS ORDERED that the application for consent to assign the license of KZOT(AM), File No. BAL-920518EC from Daniel K. Schieffler, Trustee in Bankruptcy to L.T. Simes II and Raymond Simes IS HEREBY GRANTED. This action is taken without prejudice to the Commission's future enforcement of 18 U.S.C. Section 1464 and the relevant provisions of the Communications Act of 1934, as amended, relating to the broadcast of indecent programming on station KCLT(FM), West Helena, Arkansas. Furthermore, the subject assignment application is being granted concurrently with the renewal application pending for station KZOT(AM), File No. BR-890606UD, conditioned upon the consummation of the assignment of the license from Daniel K. Schieffler, Trustee, to L.T. Simes II and Raymond Simes within 60 days of the date of this grant.

Sincerely,


for Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau

cc: Daniel K. Schieffler, Trustee



RADIO / FM-105

Medley-Billingsley Plaza
307 Highway 49 Bypass
P. O. Box 2870
West Helena, AR 72390

Raymond Simes
General Manager

AM 1050 CH

ST 1-1992

572-9506

To: Federal Communications Commission
Mass Media Bureau, AM Branch
1919 "M" Street NW
Washington, DC 20554

RESPONSE TO OBJECTION TO LICENSE PETITION

This acknowledges receipt of an Objection to License Petition regarding KZOT-AM (1460) radio in Marianna. KCLT is an urban contemporary FM radio station serving counties in Eastern Arkansas and Northern Mississippi. Although the undersigned citizens signed this Petition, they fail to show where KCLT has dissatisfied the citizens of this community. Several individuals of the community may agree with the Petition. However, according to Birch 1992, KCLT has a listening percentage of 42% in Phillips County. KCLT has received many awards from community organizations complimenting its programming and business success.

This Petition was filed by a competitive radio station, KJIW, serving the same area as KCLT. Elijah Mondy of KJIW, a Christian formatted radio station in Helena, initiated the Petition because of his inability to reach a large listening audience. He feels that the service community should not listen to music played on Rhythm & Blues radio stations. Mr. Mondy monitored the radio station for songs which he felt were not airworthy. Mr. Mondy presented his findings to a group of local ministers, most of which participated in

the programming of his radio station and also feel all radio stations should be Christian formatted.

After a meeting with the Ministerial Alliance and Mr. Mondy, I convinced them that Mr. Mondy's complaints were personally motivated and they agreed. There have been no other scheduled meetings. However, Mr. Mondy has continued to attack KCLT's musical format.

The complaining party's concerns about indecent and obscene lyrics aren't justifiable. The song in question "I Want to Sex You Up" has played on over 1000 different radio stations across the United States. It held the No. 1 spot in Pop, Black, Top 40, Urban, and the Black Entertainment Television Network. Mr. Mondy's presumption on what is meant by certain words or phrases does not reflect public opinion (society).

Rhythm & Blues songs are not desirable or accepted by most ministers. However, they are acceptable by society in general. It is vital to broadcast stations that competing owners of religious stations do not dictate musical format or programming of the same market broadcast facility, because of their religious beliefs. KCLT's county ratings, according to Birch Report 1991, is 42%. The complaining religious radio station's, KJIW, approval is 5%. Ref: Attached form 1992 Birch Radio Report.

Sex and violence are a part of our musical and entertainment industry. Radio and television stations across the country should not be held accountable for society trends. KCLT has violated no broadcast musical

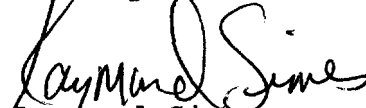
codes. 75% of KCLT's musical format is programmed by the Satellite Music Network, "Touch", and can be heard around the country, including your present location.


The complainant is aware of this fact, but choose to attack KCLT with negative publicity by newspaper articles, FCC complaints, and character attacks directed at KCLT owners, hopefully to destroy character and help develop a better religious audience. The Petition before you has approximately 25 signatures. Two are present employees of KJIW. Milton Hall is an announcer of KJIW, associate, and personal friend of station owner. The other signatures are believed to be those of Milton Hall's church members. Hopefully, you can clearly understand the nature of this Petition filed by individuals for self-interest and does not reflect the community at large.

KCLT has been operating for over eight years. There have never been any complaints relating to political advertising by any person seeking public office. L.T. Simes filed as a legally qualified candidate for a state office. Some politicians objected his candidacy and advised of the possibility of a Petition against broadcast station. L.T. Simes' opponent has agreed to forward a letter to you which conforms the Petition's false allegations.

We hope that this politically motivated complaint does not affect the development of a radio station in the poorest county in Arkansas and poorest region in the United States of America.

Thank you,


Raymond Simes


L.F. Simes

RS/LTS/br

CountyAmerica State/County Report

County: PHILLIPS

State: AR

Birch Metro:

DMA: MEMPHIS

In-tak: 50

County Pop (00): 238

MONDAY-SUNDAY 6:00AM-MIDNIGHT AUDIENCE

METRO CALL LETTERS	CITY OF LICENSE	COUNTY/STATE OF LICENSE	CUME AUDIENCE 12+		AQH AUDIENCE 12+		AQH SHARE 12+		AQH DEMOGRAPHIC COMPOSITION				CALL LETTERS	
			PERSONS	RATING	PERSONS	RATING	COUNTY	STATION	M12+	W12+	12-34	35+		
			(00)	(%)	(00)	(%)	(%)	(%)	(%)	(%)	(%)	(%)		
***** LITTLE ROCK/NO LITTLE RK AR MSA *****														
KITL-AM	SHERWOOD/LIT RK	PULASKI	AR	5	2.1	0	0.1	0.0	1.0					KITL-AM
KSSN-FM	LITTLE ROCK	PULASKI	AR	25	10.4	2	0.9	0.6	6.1	100.0	0.0	83.7	16.3	KSSN-FM
METRO SHARE CONTRIBUTION									7.1					
***** MEMPHIS TN-AR-MS MSA *****														
KSUD-AM	V MEMPHIS/MEMPHIS	CRITTENDEN	AR	5	2.1	0	0.1	0.0	0.9					KSUD-AM
WDIA-AM	MEMPHIS	SHELBY	TN	8	3.4	1	0.3	0.5	2.3	0.0	100.0	0.0	100.0	WDIA-AM
MEGR-FM	MEMPHIS	SHELBY	TN	12	5.0	1	0.4	0.4	3.0	100.0	0.0	100.0	0.0	MEGR-FM
WGXX-FM	MEMPHIS	SHELBY	TN	26	10.8	2	0.8	0.8	5.7	100.0	0.0	0.0	100.0	WGXX-FM
WPRK-FM	MEMPHIS	SHELBY	TN	84	35.1	12	5.1	3.6	35.5	89.6	10.4	93.0	7.0	WPRK-FM
WMC -FM	MEMPHIS	SHELBY	TN	24	10.0	2	0.7	1.1	4.9	100.0	0.0	100.0	0.0	WMC -FM
METRO SHARE CONTRIBUTION									52.3					
NON-METRO														
KBRI-AM	BRINKLEY	MONROE	AR	8	3.1	0	0.1	0.0	0.7					KBRI-AM
KCLT-FM	WEST HELENA	PHILLIPS	AR	100	41.9	4	1.8	33.3	12.6	12.2	87.8	89.9	10.1	KCLT-FM
KCRI-FM	HELENA	PHILLIPS	AR	16	6.8	0	0.2	0.0	1.4					KCRI-FM
KFFA-AM	HELENA	PHILLIPS	AR	72	30.2	4	1.7	100.0	11.6	35.8	64.2	0.0	100.0	KFFA-AM
KIPR-FM	PINE BLUFF/L ROCK	JEFFERSON	AR	24	10.1	2	1.0	1.1	6.9	65.5	34.5	100.0	0.0	KIPR-FM
KJTV-AM	WEST HELENA/HEL	PHILLIPS	AR	12	5.0	1	0.3	100.0	1.8	100.0	0.0	100.0	0.0	KJTV-AM
KPYR-FM	OSCEOLA/MEMPHIS	MISSISSIPPI	AR	8	3.4	1	0.2	0.7	1.6	0.0	100.0	0.0	100.0	KPYR-FM
WMLN-FM	CLARKSDALE	COAHOMA	MS	8	3.4	0	0.2	0.0	1.1					WMLN-FM
NON-METRO SHARE CONTRIBUTION									37.7					
OTHER									2.9					
PUR				220	82.4	34	14.3		100.0					

Birch Radio CountyAmerica State/County Report

© RIGHT 1991 BIRCH/SCARBOROUGH RESEARCH

PAGE 78